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COMMISSION ON HUMAN RIGHTS
Informal one-day meeting
Tuesday, 24 September 2002

Note by the secretariat

Following the conclusion of the fifty-eighth session of the Commission on Human Rights, the Expanded Bureau of the Commission held a number of post-sessional meetings and undertook a series of activities aimed at improving the methods of work of the Commission and the latter's coordination with various parties with a view to enhancing their overall participation in and contribution to the work of the Commission.

As a follow-up to the guidelines set forth by the Economic and Social Council for its functional commissions and following the established practice, the Expanded Bureau held a joint meeting via video-conference with the Bureau of the Council on 28 May 2002. The Expanded Bureau also participated in the fourteenth annual meeting of the chairpersons of human rights treaty bodies on 24 June 2002, as well as in the ninth annual meeting of special procedures mandate-holders on 27 June 2002.

The Chairperson of the Commission addressed the substantive session of the Economic and Social Council on 24 July 2002 on the draft proposals submitted by the Commission to the Council and on the working methods of the Commission. He also attended a meeting of the chairpersons of the functional commissions of the Council convened in New York on 23 July 2002 by the Council's President. The purpose of that meeting was to enhance coordination between the Council and the functional commissions and to facilitate information-sharing between the commissions themselves.

Consultations were held with the Sub-Commission on the Promotion and Protection of Human Rights on 29 July 2002. The Expanded Bureau also held a formal consultation with the High Commissioner for Human Rights during its meeting on 29 July 2002. The Expanded Bureau plans to hold separate meetings with United Nations agencies and with non-governmental organizations in December 2002.

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The attention of the Commission is further drawn to the summary record of the second meeting of the fifty-fourth session of the Sub-Commission (E/CN.4/Sub.2/2002/SR.2) which reflects the statement made by the Chairperson on behalf of the Bureau of the Commission.

Highlights of all Bureau activities undertaken during the period May-September 2002, including summaries of the post-sessional meetings of the Bureau, were compiled for use by members of the Bureau, as appropriate. At the request of the Chairperson, made in consultation with the Expanded Bureau, the attention of the Commission is drawn to the compilation of the Bureau's activities, which is annexed* to the present note for information purposes and as a contribution to the work of the one-day informal meeting of the Commission on Human Rights in 2002.

*Reproduced as received in English only

ANNEX

Summaries of post-sessional meetings and other activities of the expanded Bureau during the period from May to August 2002

Contents

	Date	Page
Summary of the first post-sessional meeting	21 May 2002	4-7
Summary of the videoconference between the Expanded Bureau and the Bureau of ECOSOC	28 May 2002	8-14
Summary of the joint meeting with the Chairpersons of Treaty Bodies	24 June 2002	15
Summary of the joint meeting with the 9th Annual Meeting of Special Procedures Mandate Holders	27 June 2002	16-17
Summary of the second post-sessional meeting	9 July 2002	18-22
Statement of the Chairperson to the substantive session of ECOSOC	24 July 2002	22-24
Summary of the third post-sessional meeting	29 July 2002	25-27
Summary of the fourth post-sessional meeting	22 August 2002	28-29

**Summary of the first post-sessional meeting
of the 58th Bureau
of the Commission on Human Rights**

21 May 2002, 15.00-17.15, Room IX, Palais des Nations

A. Appointments to new or vacant mandates

1. The Secretary outlined the various vacancies in working groups and special procedures (including new mechanisms created at the 58th session).

The roster

2. The Secretary announced that an updated version of the roster of the names of nominees for special procedure vacancies would be circulated by the Secretariat for the next meeting of the Expanded Bureau. The roster is list of names proposed by governments, groups or the individuals themselves for special procedures positions. The full CV's of individuals on the list would not be distributed but could be consulted at the Secretariat. *Notes verbale* and circular notes will shortly be sent to states, specialised agencies and NGOs seeking nominations for the vacant positions.

Special Rapporteur on Freedom of Opinion and Expression

3. The Chairperson informed the meeting that he had been advised of a probable nomination from an African country for the position of Special Rapporteur on Freedom of Opinion and Expression, however he would wait until the nomination was formally made before announcing the name.

Regional vacancies in Working Groups

4. In respect of the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, the Chairperson requested the Western and Asian Groups (respectively) to inform him of their nominations.

5. The Coordinator of the Western Group noted that the Group so far had one candidate whose CV had already been circulated.

6. The Coordinator of the Asian Group raised four points regarding appointments:
   a) Is it solely up to the Chairperson to decide between candidates, or has the regional coordinator a role to play. The Chairperson requested that the regional coordinators undertake relevant consultations with members of their groups in order to find a consensus.
   b) Is there a deadline for submitting the nominations for the working groups? The Secretary informed the meeting that the deadline was the next meeting of each working group, that is 19-23 August for the Working Group on Enforced or

Involuntary Disappearances and 17-21 June for the Working Group on Arbitrary Detention.

c) He noted that a request for the CVs of the members of the Working Group on Enforced or Involuntary Disappearances had been rejected. Governments want to know what type of personalities are on the working groups. The Chairperson replied that there was no reason for the CVs to be withheld.

d) What is the procedure for making nominations to regional vacancies in working groups? The Secretary noted that normal practice was for the regional groups to inform the Chairperson and other groups of the person nominated, and for confirmation of the nomination to be made by the Chairperson.

Durban Working Groups

7. The Chairperson noted that in terms of funding, the two new working groups linked to the World Conference Against Racism (WCAR) were the most uncertain. The Coordinator of GRULAC asked whether any candidates had been proposed for the group of independent eminent experts to follow up the WCAR. The Chairperson replied that while Amb. Despouy had commenced consultations, no names were passed on to this Bureau, so he was happy to reopen consultations anew. In response to questions from a number of members of the Bureau, the Chairperson stated that the choice of the 10 candidates for the group of independent eminent experts to follow up the WCAR would be chosen in consultation with the regional groups, but that time was short.

8. The Bureau agreed to invite regional groups to propose candidates for all vacancies and these would be added to any nominations made by members of the inner Bureau themselves.

B. Resolution 2002/91 and Decision 2002/115 on enhancing the effectiveness of the Commission

C. Videoconference with the Bureau of ECOSOC

9. The Chairperson announced that these two items would be considered together in view of their inter-relatedness.

10. The Secretary made the following points :

a) 2002/91 op3 requested OHCHR to seek views of participants of the Commission on enhancing the effectiveness of the working methods of the Commission and to present a compilation of such views to the Commission by 31 December 2002. *Notes verbale* would accordingly be sent shortly after endorsement by ECOSOC.

b) OHCHR had established a taskforce to support the work of the Bureau in response to the 2002/91 and 2002/115.

c) the videoconference with the ECOSOC Bureau is scheduled for Tuesday 28 May at 5pm Geneva time in Room III PN. The Amb. of Germany indicated he could not attend on this day.

d) The mini-report included requests for 'early action' by ECOSOC. This year it includes the resolutions on racism, adequate standard of health, and the decision

relating to expiration of mandate-holders' terms. The request for 14 additional meetings for the next session is not in the mini-report.

e) The Bureau of ECOSOC has expressed an interest in the mechanism and role of the Expanded Bureau of the Commission.

11. The Chairperson made the following points :

a) It is important to use the videoconference :

I. to impress on the ECOSOC Bureau the need for the 14 additional meetings. Although the final decision is with the USG Management, ECOSOC approval is required. Although some Bureau member were unsure about the number of meetings needed or even the need to raise the issue at all, the Chairperson reminded the meeting that it was a decision of the Commission that the Bureau press for 14 additional meetings.

II. Introduce the Mini-Report and 'paint the picture' of what happened at the 58th session ; and

III. Share the experience of the Expanded Bureau, especially in terms of providing leadership for the Commission.

b) Members should divide the labour between them for the ECOSOC videoconference, specifying who will address which topic.

c) In relation to the review of effectiveness of the Commission, he proposed a brainstorming meeting on 18 June 2002 at 6pm at the Polish Mission in Geneva. This brainstorming should produce the basis of a package of proposals in response to Res. 2002/91 and Dec. 2002/115 to be put to the Commission.

12. Some members of the Bureau felt that the meeting with ECOSOC should be the opportunity to outline the various proposals for enhancing the work of the Commission. Others thought that as the Bureau was just embarking on the reform process, it should restrict itself during the videoconference to listen to ECOSOC and get an idea of the limitations on the Bureau's action.

13. The Bureau agreed to use the meeting with the ECOSOC Bureau to :

- Introduce issues in the mini-report ;
- Press for the 14 additional meetings ;
- Share the experience of the Expanded Bureau, especially in terms of providing leadership for the Commission ; and
- Mention some of the range of reform measures under consideration.

D. Calendar of activities

14. The Chairperson :

a) indicated that he would travel to New York for the July meeting of ECOSOC;

b) explained that he would still be in New York at the time of the opening of the Sub-Commission, and thus one of the Vice-Chairs would have to volunteer to represent the Bureau ; and

c) the meeting with the Special Rapporteurs would be the most challenging among those on the Calendar, and hence all members of the Bureau should endeavour to be present.

E. Future meetings of the Bureau

15. The Chairperson noted that the Bureau was (as during the sessions) mandated to continue consultations and formulation of proposals during the intersessional period. The aim is to present the Commission with a package of proposals to the next session of the Commission. As happened last session, the intersessional work of the Expanded Bureau would be presented to the Commission in the form of a compendium of summaries of the intersessional meetings.

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16. The Amb. of Syria noted that he wished to raise at the next meeting the proposal for a High Level Segment.

17. The Rapporteur raised the issue of some working groups not yet having chairs nominated.

Expanded Bureau of the 58th session of the Commission on Human Rights

Summary of the videoconference with the Bureau of ECOSOC

Tuesday, 28 May 2002, Room III, Palais des Nations

Present:
Geneva: Amb. Jakobowski, Amb. Salloum, Minster Metscher (for Amb. LeWalter), Mr Pitso Montwedi (for Amb. Nene), Mr Frederico Estrada Dunque Meyer, [regional coordinators], Ms María-Francisca Ize-Charrin (Secretary).
New York: Amb. Ivan Simonovic (Croatia) (President); Amb. Gert Rosenthal (Guatemala), Amb. Marko Laine (Finland); Amb. Jassim Mohammed Buallay (Bahrain); and Amb. Dumisani Shadrack Kumalo (South Africa), Mr Khan (Secretariat).

The meeting opened with an introduction of members of each bureau by the President and the Chairperson. It was agreed that the agenda would provide a framework for discussion but would not prevent members from raising other issues of interest.

The Chairperson:

- underlined the importance to the Expanded Bureau of the exchange of views with ECOSOC, in particular in view of the extremely difficult session of the Commission just finished. The President noted that the role of this meeting was more for ECOSOC to listen to the experiences of the CHR Bureau; and
- outlined the way in which inner Bureau had divided the presentation of issues among them.

IMPACT OF THE DISCONTINUATION OF THE EXTENDED MEETINGS

The Chairperson set out the way in which the discontinuation of extended meetings occurred, including:

a. the approval given by ECOSOC in 2001 for and additional 35 fully serviced meetings, and the fact that the Commission organized its work on that basis;
b. the unexpected discontinuation of evening and night meetings at the end of the first week of the session;
c. the work of the Expanded Bureau in trying to identify measures which could be taken to overcome the difficulties;
d. the Chairperson's letter to the Secretary-General appealing for the minimization of the impact of the measures, including the possibility of six extended meetings as a compensation for the imposition of measures in the midst of the session as well as for the loss of meetings in connection with the Easter break;
e. the reply of Mr. Connor (on behalf of the Secretary-General) advising he was not in a position to approve the request of six extended meetings; and
f. the Chairperson's meeting with the Secretary-General after his address to the Commission and Secretary-General's 'great appreciation for the Bureau's leadership in implementing measures to allow the Commission to finish its work' and the need to 'find

a compromise between the working methods of the past and the experience of this session'.

REQUEST FOR 14 ADDITIONAL MEETINGS

Mr Montwedi reiterated the effect of the cuts in meeting time on the conduct of the session. He noted the views of the Secretary-General as reported by the Chairperson, and the need to find a workable solution for the 59th session. As was underlined by the Chairperson, the impact of the discontinuation of extended meetings was clearly paralysing and created serious difficulties in the conduct of our work. A careful review of the Commission's needs by the Expanded Bureau led to the conclusion that 14 additional meetings would be needed next year. This would represent a sharp decrease compared with last year's request. In support of this request he mentioned:

a. The intention to resume the practice of devoting two meetings during the session to the holding of a special debate.

b. The situation of NGOs at CHR 58, in particular the cutting of the list under item 9 resulting in 36 NGOs being unable to take the floor.

c. The situation of special rapporteurs at CHR58 and the need to provide them with appropriate speaking-time at CHR59 commensurate with their role as core mechanisms of the Commission.

d. The situation of national human rights institutions at CHR 58.

e. The Commission decision to hold an organizational meeting in January 2003 with a view to elect its Bureau, and the additional meeting this would represent.

f. The effect of clustering items at CHR58 on the quality of the debate of these items.

Other important aspects of the 58th session

Minister Metscher outlined three further issues arising from CHR58:

a. The effect of the deteriorating human rights situation in the occupied Palestinian territories (OPT) on CHR58. Seven resolutions and one decision were adopted on the topic and the High Commissioner reported on the degrading situation in the OPT. The Commission held a Special Sitting on 5 April 2002 to consider the matter at the conclusion of which it adopted a Resolution requesting the High Commissioner to undertake a visiting mission to the region and report back to this session. The High Commissioner then made a report to the plenary based on available information which constituted the basis for the adoption of Resolution 2002/90.
b. The record number of dignitaries addressing the Commission. 78 dignitaries (including the Secretary-General) addressed the Commission. While this trend is a much welcomed

one, it had an impact on time management and the Commission Bureau is currently looking into the matter with a view to identifying possible ways and means to make the best possible use of the high-level attention while not hampering the consideration of agenda items.

c. NGO participation. A total of 247 NGOs representing more than 2000 participants attended the session. 205 NGO written statements were processed in accordance with ECOSOC Resolution 1996/31. There is an increased level of co-operation between the Commission, through its Chairperson, and the Committee on NGOs, and a member of the secretariat of the Committee on NGOs attended part of the 58th session while the Commission Secretary attended a meeting of the NGO committee at which time she addressed a number of questions made by members. It is the intention of the Bureau to continue strengthening cooperation with the Committee.

Possible contributions of the Commission to the work of the Council and Follow up to ECOSOC's Guidance

In the context of the ECOSOC High Level Segment at its next session, Amb. Salloum outlined the mandate of the new proposed Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Relating to coordination with other functional commissions of ECOSOC, Amb. Salloum referred to the address by the Chairperson of the Commission on the Status of Women to the Commission under agenda item 12, and a statement on behalf of the Special Rapporteur on Disability of the Commission on Social Development.

As far as follow up to ECOSOC guidance is concerned, Amb. Salloum made two points:

a. First, the Commission adopted Decision 2002/113 according to which the first meeting of the CHR will henceforth be held on the third Monday in January, with the sole purpose of electing its officers. This implies that the Expanded Bureau of the next session will, in practical terms, be operational as from 20 January 2003, thus enabling it to undertake relevant consultations and make appropriate suggestions relating to the Commission's programme of work.

b. Second, under Resolution 2002/91 and Decision 2002/115, the Commission has embarked on a new process of reviewing its working methods. The Bureau will look at a number of issues including: the duration of and organization of work during the annual session; the periodicity of consideration of items and sub-items; arrangements for the holding of the Special Debate; arrangements for the participation of dignitaries in the annual session; the establishment and programming of inter-sessional working groups; and the organization and programming of parallel activities during the annual sessions.

Other items: the Mini Report

The Chairperson outlined the contents of the Mini-Report to ECOSOC.

a. The Mini-Report has been prepared taking into account the standard form of such a document. Its purpose is to dwell on issues relating to the establishment or change in mandates of special procedures which require urgent attention by ECOSOC. The respective secretariats have been in touch to fix a date for the consideration of this report by ECOSOC. This year, the focus of the Mini-Report is on the new mandate on highest attainable standard of physical and mental health (resolution 2002/31); the new mandates established under the resolution on *Racism, racial discrimination, xenophobia and related intolerance* (resolution 2002/68); and the expiration of office-holders' terms of appointment under special procedures (decision 2002/114). As usual, the report includes, the relevant draft decisions, the full text of the relevant resolutions, the narrative account of the proceedings and the programme budget implications.

b. As far as the issue of racism, racial discrimination, xenophobia and related intolerance is concerned, the Commission is requesting ECOSOC endorsement of two new working groups.

   i. A new Inter-Governmental Working Group will be expected to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.

   ii. The Commission is also recommending the establishment of a Working Group of five independent experts on people of African descent to study the problems of racial discrimination faced by people of African descent living in the; to propose measures to ensure full and effective access to the justice system by people of African descent; to submit recommendations on effective measures to eliminate racial profiling of people of African descent; and to elaborate proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights.

c. In the same resolution, the Commission also decided to establish a Voluntary Fund to provide additional resources for various activities relating to the effective implementation of the Durban Declaration and Programme of Action.

d. With regard to the expiration of office-holder's terms of appointment under special procedures, the Commission is inviting ECOSOC to approve its decision whereby the end of the mandate of individuals serving as mandate-holders will henceforth coincide with the end of the July session of ECOSOC.

Other items: the Role of the Expanded Bureau:

The Rapporteur of the Commission outlined the role of the Expanded Bureau and listed a number of its benefits:

a. The decision-making process is now much faster and more transparent, allowing consensus decisions to be put before the plenary within one day.

b. The nature of the issues dealt with by the Expanded Bureau has changed over the years, and it now allows proposals on sensitive matters to be flagged and discussed before being placed before the plenary.

c. Transparency is gained through the compilation and circulation among participants of the Commission of a compendium of the summaries of the post-sessional activities of the Expanded Bureau.

The Chairperson concluded by expressing appreciation for the important exchange of ideas and noting the usefulness of the dialogue. He signalled that the Bureau would report back to the Commission on the discussion.

The President replied briefly to specific issues.

first, regarding the additional 14 meetings, while it is not ultimately up to ECOSOC to decide, the CHR Bureau could count on the consensus among states that has been achieved in the Expanded Bureau in support of such a request;

second, the President shared the Bureau's concern over the curtailing of NGO participation in CHR58. ECOSOC regarded the bringing on board of NGOs as one of the achievements of the Commission and was of the view that that should continue; and

third, in respect of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the President noted the importance of this proposed mandate to the ECOSOC High Level Segment, and hoped that the Special Rapporteur would be able to attend the Segment on 1-3 July 2002.

Amb. Buallay asked what steps were taken in relation to the OPT after the 'obstacles' placed by Israel in the way of the High Commissioner's mission. In respect of cooperation between the CHR and other commissions, he noted the inauguration of the Permanent Forum on Indigenous Peoples and asked what was the cooperation between the Permanent Forum and the Commission's Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people.

Amb. Rosenthal thanked the Bureau for its complete presentation of CHR 58 and asked about the Expanded Bureau: when does it meet rather than the inner Bureau? Who determines when which meets? How are they differentiated?

Amb. Laine asked, regarding the request for 14 additional meetings, whether the need for additional meetings would continue into the future and thus become a permanent need? And if so, is it because the Commission's agenda is expanding?

Amb. Dumisani Shadrack Kumalo noted that he had attended CHR 58 and could attest to the difficulties of the session as outlined by the Bureau.

The President had two clusters of questions:

Co-ordination. The ECOSOC Bureau is interested in successful cooperation between its functional commissions. They have already been briefed by the Commission on the Status of Women (CSW) on the issue of the discontinuation of sharing of information between the 1503 procedure and the CSW procedure. Is there a way of maintaining information exchange without violating the CHR resolution? And what of coordination with the new Permanent Forum? The President proposed a yearly meeting of Chairs of functional commissions to consider each other's priorities and how they can all better coordinate their work.

Commission work. The President flagged his interest in innovative practices established in the Commission, in particular the participation of NGOs and the role of the Expanded Bureau. He wondered whether the new measures being imposed on the Commission would lead to a need for more meetings rather than less.

Responding in the short amount of time available, the Chairperson proposed that written answers be provided to questions posed. They would be prepared by the Bureau and shared with the Expanded Bureau.

In relation to the Expanded Bureau, the Chairperson stated that once agreement is achieved in the Expanded Bureau it is treated as a consensus position for the Commission.

It is always the Expanded Bureau which meets, unless some activity is limited to the 'inner' Bureau by the Rules, but even then the Bureau will try to involve the regional coordinators.

In relation to the 14 additional meetings, the Chairperson noted that it would be very difficult to maintain the speaking time cuts at the next session of the Commission. The Secretary General called for a compromise between the past conditions and conditions this year. In the past the Commission had 35 additional meetings. In a spirit of compromise, the Commission is only requesting 14 additional meetings for next year.

In relation to cooperation, the Commission Bureau would be happy to have a further videoconference to discuss possibilities.

In response to the question on the OPT, Amb. Salloum noted again that the issue dominated the session and that a number of resolutions and decisions were adopted after the failure of the High Commissioner's mission to depart. Among the requests was for the High Commissioner to prepare a report based on information provided from the OPT, which she did and which was debated in the plenary. The Commission voted to keep the issue under consideration.

On the Permanent Forum, the Chairperson expressed a hope that the Chairperson of the Forum could address the Commission each year.

The President thanked participants for an excellent meeting and expressed his appreciation for written responses in due course.

Joint meeting of the expanded Bureau with the Chairpersons of Treaty Bodies

Geneva

24 June 2002

On 24 June the Chairpersons held a joint meeting the Expanded Bureau of the 58th session of the Commission on Human Rights, led by its Chairperson, Ambassador K. Jakubowski (Poland). The Chairperson introduced the members of the Expanded Bureau and their representatives attending the meeting: Vice-Chair Ambassador W. LeWalter (Germany), Mr. P. Rothen (Germany), Mr. M. Watanabe (Japan), Mr. I. Ferguson (Canada), Ms D. Chatsis (Canada), Ms V. Kos (Croatia) and Mr. E. Tistounet (Secretary of the Commission).

In his opening statement the Chairperson outlined the importance of the relationship between the Commission and the treaty bodies (together with the special procedures of the Commission) as pillars of the international human rights system. He proposed a tripolar relationship between the three actors, while noting that the quasi-judicial nature of the treaty bodies was different to the political nature of the Commission. He alluded to the difficulties experienced at the 58th session of the Commission and proposals to reduce the Commission's meeting time and perhaps abolish review of country situations. If this were to come about, the role of the treaty bodies would grow enormously. He expressed the hope that communication between the Commission and the treaty bodies would grow alongside the increased year-round work of the Bureau.

The members of the Expanded Bureau shared the Chairperson's the view that relations between the Commission and the treaty bodies was crucial to consistency and confidence in the international human rights system. Treaty bodies look to the Commission for initiatives on truly global problems which extend beyond the mandate of a single treaty body. The special procedures were likewise central, however some Chairperson's noted instances of special procedures mandate holders ignoring the work of the treaty bodies in their reports, a situation regretted by the Chairperson of the Commission. While there is a need for increased communication between the various bodies, there exists no framework for this communication. At the least, all chairpersons of treaty bodies could be routinely invited to address the Commission, and the Commission could take into account the work of the treaty bodies in drafting its resolutions. Members of the Bureau cautioned that there was no need for a permanent mechanism if the respective spheres of competence of the Commission and of the treaty bodies were clear.

Summary of the Meeting between the Expanded Bureau and the 9th meeting of Special Procedures Mandate Holders

Geneva
27 June 2002

Participants met with the Expanded Bureau of the Commission on Human Rights. Mr. Krzysztof Jakubowski, Chairperson of the fifty-eighth session of the Commission addressed the meeting on behalf of the Bureau, welcoming the opportunity to once again exchange views with special procedures mandate holders. Mr. Jakubowski focused his intervention on the major difficulties with which the Bureau of the 58th session of the Commission on Human Rights had been faced due primarily to budgetary cuts and subsequent loss of valuable meeting time, the fact that the session had devoted an important part of its work to escalating violence in the Occupied Palestinian Territories and the impact of the events of 11 September on the human rights debate. It was emphasized that the procedural measures to cope with the difficult situation, including cuts in the speaking time of special procedures, were taken on the understanding that these measures were of an exceptional nature, would not constitute a precedent and would not affect in a discriminatory manner any participant of the session. He also emphasized that intense work was being done by the Bureau to contribute to the review of the working methods of the Commission and in doing so, the importance and particular relationship between the Commission and the special procedure was given a high profile.

Participants were particularly asked to reflect on a number of innovative steps suggested to strengthen and enhance the mechanisms, i.e. a special inter-active dialogue with mandate-holders during the Commission and the setting up of a tripartite cooperation setting between special procedures, treaty bodies and the Commission to provide different insights on the state of the protection and promotion of human rights. On behalf of the mandate holders, the Special Rapporteur on summary or arbitrary executions, recognized the difficult and exceptional circumstances prevailing during the fifty-eighth session. Concern was expressed that the exceptional measures were part of a continuing trend which, if not adequately addressed, would lead to the marginalization of special procedures. A number of mandate-holders expressed particular concern about the lack of time given to them to present their findings to the Commission and the very short notice in informing them of changes in time allocation. This fact, it was felt, had contributed to the sidelining of important human rights issues to the benefit of political considerations and priorities.

Several mandate-holders emphasized that special procedures emanate from the Commission itself and should as such have a central role in the human rights debate. It was also underlined that in a time when human rights are under strain, the independence of special procedures gives them even greater importance. In this context it was also urged that consistency and vigilance be followed in the appointments of rapporteurs and experts. Several rapporteurs reiterated their concern about the consequences for the efficiency of the special mechanisms of an increase in the number of mandates without an increase in the resources made available, particularly given the limited resources already available. It was also suggested that the Bureau should play a role in the budgetary process to ensure that adequate resources were given to human rights mechanisms.

Some of the participants expressed their support for the suggestions outlined by the Chairperson of the Commission with regard to special inter-active dialogue with mandate-holders during the Commission and the setting up of a tripartite informal cooperation between special procedures, treaty bodies and the Commission, given that such a structure be given adequate support and a clear framework of action. However, most participants objected to the further reduction of the length of their reports and also to the suggestion that it might not be realistic or appropriate at this point in time to mandate some of the experts to report both to the Commission and the General Assembly.

In his closing remarks Mr. Krzysztof Jakubowski, further elaborated on difficulties encountered by the Bureau and invited the participants to work closely with it in order to develop ideas and proposals which would avoid the repetition of the circumstances with which the fifty-eighth session of the Commission was faced.

Summary of the second post-sessional meeting of the 58th Bureau of the Commission on Human Rights

9 July 2002, 15.00, Room IX, Palais des Nations

Present:
Chairperson, Rapporteur, Vice-Chair (Germany), South Africa, Syrian Arab Republic; African, Asian, Eastern, GRULAC and Western Coordinators.

A. Appointments to new or vacant mandates

1. The meeting was informed that:
   a. The nomination of Mr Paul Hunt (New Zealand) for the position of Special Rapporteur on the Right of Everyone to the Highest Attainable Standard of Physical and Mental Health, has the support of the Western Group.
   b. The nomination of Ms Elianne White (Costa Rica) for the Working Group on People of African Descent has been withdrawn.
   c. Mr Romero Jorge Rodriguez (Uruguay) has also been nominated for the Working Group on People of African Descent.

2. It was accepted that the majority of mandates for which appointments are to be made require the endorsement of ECOSOC, and thus formal appointment must not occur before this.

3. The Chairperson made a number of introductory remarks:

   a. he reminded the meeting that a deadline of 3 July 2002 had been set for the receipt of nominations. While this deadline should be respected, a measure of flexibility must also be shown, for example in cases where there are an insufficient number nominations for the posts to be filled.
   b. In respect of the independent expert on Liberia under the 1503 procedure, the nomination is solely at the Chair's discretion.
   c. On nominations to the independent eminent experts to follow up the WCAR, there is an expectation that the persons nominated will have a high level of 'eminence'. There is some urgency in settling a list for the Secretary-General, and the Chairperson impressed on coordinators the need for names to be proposed as soon as possible.

4. The African Group Coordinator requested some time to complete consultations.

5. The Asian Group Coordinator felt that the 3 July deadline should be strictly enforced in cases where a nomination has been received. In such cases, no new nominations should be submitted, or at least groups that respected the deadline should not be penalised by having to re-open consultations.

6. The GRULAC Coordinator made three points:
   a. In respect of special rapporteurs, there should be some flexibility in order to ensure an appropriate regional balance. The appointment is ultimately up to the Chairperson.
   b. On the Working Group on People of African Descent, similarly the appointment is ultimately up to the Chairperson. Constraint is that so far the only nominations come from GRULAC countries.
   c. On the Independent Eminent Experts, GRULAC decided not to endorse any one person.

7. The Western Group Coordinator felt that his group could support some flexibility in the application of the deadline. In respect of the Working Group on Disappearances, the two names have come from the members of the Western Group. If the Chairperson wishes, the coordinator could go back to the group to see if a consensus nomination can be made. On the Special Rapporteur on Freedom of Expression, the Western Group noted the interested of the NGO community in the appointment, and that the single nominee appears to have little background in freedom of expression. The best possible persons should be appointed.

8. South Africa made three points:
   a. The deadline should be maintained in respect of special rapporteurs but not working groups;
   b. In respect of the working groups, the African Group will propose a single nomination;
   c. On the Special Rapporteur on Freedom of Expression, one candidate has been proposed before the deadline.

9. Germany asked how the Chairperson was going to ensure that the Eminent Expert were indeed eminent. Why are we not seeing more names that are well known? He proposed that the Chairperson and Secretariat could reflect on this issue. As regards the deadline for nominations, he felt that while the deadline was relevant, if the Bureau is not satisfied with the names put forward then the Chairperson should not be bound by the deadline.

10. The Chairperson agreed that no region should be punished for complying with the deadline. But the situation of the positions for special rapporteurs and those in the working groups is different. The Bureau thus agrees that there should be flexibility in respect of the positions in the working groups. If there is to be flexibility, the receipt of new nominations should not extend beyond the Chairpersons address to ECOSOC.

11. The Asian Group Coordinator agreed with the Chairperson on the understanding that the decision would not force the groups which has arrived at a consensus to reopen consultations. He noted the difficulty in obtaining names for the Working Group on People of African Descent and doubted that an extended deadline by itself would result in more nominations. The Chairperson indicated that if not enough nominations were received for the Working Group on People of African Descent he

would refer to the roster and other sources. Germany felt that it would be better to wait until there were enough nominations for all positions before making appointments, thus taking advantage of a overall perspective. And if the roster can be used for working groups, why not for special rapporteurs.

B. Res. 2002/91 and decision 2002/115 on enhancing the effectiveness of the Commission

12. The Chairperson referred to the summary of the brainstorming meeting which had been circulated. He is looking for reactions to the document in order to be able to begin preparing a first draft of the Bureau's proposals by November.

13. The GRULAC Coordinator made four points:
    a. The first set of issues before the Bureau is the organisational questions relating to how speaking time is to be divided etc. In effect, how we do more in less time.
    b. In terms of distribution of speaking time, the summary of the brainstorming suggests that all speakers sacrificed time evenly. This is not true. State representatives proportionally spoke even longer than at other sessions.
    c. In terms of the thematic distribution of time, while the Commission has to take into account dramatic developments, that should not alter too much the running of the session. Perhaps such contemporary issues could be dealt with at a Special Session.
    d. It is important for us to sum up our experiences and pass them on to the next Bureau.
    e.

14. Germany voiced support for what the GRULAC Coordinator had said. The future proposals should not be based only on the brainstorming but on all inputs. In this regard he recalled that the Secretariat would be asking for comments once 2002/115 is approved by ECOSOC.

C. Follow-up to meetings with special procedures and chairpersons of treaty bodies

15. The Secretary outlined the recommendations of the meetings, particularly the desire of the chairpersons of treaty bodies to be invited to the Commission and the support for the idea of increased dialogue and cooperation.
16. The Chairperson reported on the constructive nature of the meeting with chairpersons of treaty bodies and elaborated on the notion of a contact group to further cooperation.

17. South Africa felt that the meeting with the Chairpersons was excellent but that that with the special procedures indicated a lack of awareness on the half of the mandate-holders as to the was in which the Commission works. He also felt that the mandate-holders had misrepresented their position at CHR58.

18. The Chairperson felt that the meeting with special procedures had ended better than it started. The proposal for closer cooperation between the Commission, the special procedures, the Sub-Commission and the treaty bodies was well received.

19. The GRULAC and Western Group Coordinators asked that the Chairperson provide some written details of his proposal for increased cooperation.

D. Issues to be considered at the meeting with the Sub-Commission

20. The Secretary advised that the scheduled meeting on 29 July will be closed. Issues of interest are: the Commission's action on Sub-Commission proposals, Resolution 2002/66, and the election of members this year by confirmation rather than by vote.
21. The Chairperson added that the timing of the Sub-Commission session was also an issue and proposed that January might be a better time for it to take place.

E. Calendar of Events

22. The Secretary outlined the draft calendar of meetings of working groups, noting that the dates are unable to be changed. The Chairperson asked that proposals for changes be received within three weeks, after which the calendar would be set.
23. The Western Group Coordinator noted problems with the Working Group on the Draft Declaration as the last session agreed that it would take place in early December to allow for the participation of a large number indigenous participants.
24. The GRULAC Coordinator thought the calendar acceptable, and if changes were made he would not like the Working Group on the Right to Development taking place too close to the New Year.
25. The African Group Coordinator asked why there were no meetings scheduled for September. October and November are difficult because of the Third Committee in New York.

26. The Secretary replied that member states did not like to start as early as September, that there are a number of public holidays in September and that both the one-day informal meeting of the Commission and the Working Group on the Indigenous also take place in September.

F. AOB

27. The Secretary informed the meeting that the High Commissioner would like to address the Bureau, and proposed the date of 14 August.
28. The meeting discussed proposals for a farewell reception for the High Commissioner on behalf of the Expanded Bureau.
29. The Western Group Coordinator informed the meeting that France was prepared to Chair the Working Group on Disappearances.

Statement of the Chairperson of the 58th session of the Commission on Human Rights to the Economic and Social Council

New York
July 2002

Mr President
Excellencies,
Distinguished Colleagues,
Friends,
Ladies and Gentlemen:

It is an honour for me to address the Council today in my capacity as Chairperson of the 58th session of the Commission on Human Rights. Let me start by congratulating you, Mr President, on the excellent manner in which you have been conducting the Council's proceedings. I wish you every success also in the remaining part of this session. My congratulations go also to the other members of the Bureau.

I should like to present to the Council an overview of the achievements of the 58th session of the Commission together with the challenges faced at this session and those that the Commission faces in the future.

The 58th session of the Commission was a very specific one – if you forgive me this euphemism. What I am referring to is the unusual accumulation of challenges the Commission had to face. The worsening human rights situation in the occupied Palestinian territories and, also Israel, dominated the session in terms of general and special debates, resolutions and decisions adopted. It required a lot of time in the circumstances where time became the most precious commodity, after all meetings beyond 6om had suddenly been discontinued. This resulted in extreme time pressure on the Commission's work. The main challenge the Expanded Bureau had to face was to finalise the programme of work, to take up and to conclude all items on the agenda in order to allow the smooth functioning of the whole human rights machinery.

The Expanded Bureau was able to devise a number of truly innovative measures which allowed the session to complete its agenda. However, it was achieved at a significant cost in terms of participation and substantive debate. Actually it created another challenge: a challenge of frustration, because all participants saw their speaking time dramatically reduced (sometimes to the extreme), particularly special rapporteurs, representatives of civil society and national human rights institutions. As an extreme and once-off measure, the debates under a number of agenda items were clustered together. This dramatically reduced the time available for substantive debate on these items and - overall - represented a step backwards in the development of the Commission's agenda. It is agreed that these measures should not constitute a precedent for the future.

I should like to mention that in dealing with this dramatic situation, the mechanism of the Expanded Bureau (being the five Bureau members together with the five regional coordinators) played a crucial role. I think it is fair to say that the consensus needed to implement emergency

time-saving measures would not have been reached as easily or expeditiously without the Expanded Bureau.

One result of our experiences at the 58th session is the Commission's request to ECOSOC for an additional 14 extended meetings at its 59th session, a significant reduction on the 35 additional meetings granted last year. I very much hope that the Council is able to approve this modest request. which we consider minimum to proceed in a satisfactory manner next year. This would allow us, inter alia, to return to a situation where special mechanisms would be given the amount of time necessary to address the Commission in a manner commensurate with the crucial role they play as core mechanisms of the Commission. It would also enable the Commission to maintain the very special and privileged relationship it has with civil society which it over decades developed with civil society.

In order to address these and other challenges, next year the Commission will embark on a formal review of its working methods. This process will see the Commission reflect on the effectiveness of all of its areas of work, with a view to equipping the Commission to deal with the challenges of the future. In preparation for this process, the Expanded Bureau of the 58th session intends to hand to the next Bureau a series of reflections on its experiences at this year's session.

Mr President;
Despite difficulties, the 58th session saw a number of important and innovative steps taken by the Commission. First I would like to mention the decision to recommend the appointment of a special rapporteur on the highest attainable standard of physical and mental health. This new mandate, adopted by consensus in the Commission, fills an important gap in the work of the United Nations human rights system relating to human rights and health issues. As you are aware, the Commission has also requested ECOSOC endorsement of two new working groups to follow-up to the World Conference Against Racism held in 2001. The first of these is an Inter-Governmental Working Group to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects. The second is a working group of five independent experts on people of African descent, to study the problems of racial discrimination faced by people of African descent. The establishment of a Voluntary Fund to provide additional resources for various activities relating to the effective implementation of the Durban Declaration and Programme of Action has also been recommended in the resolution. Together, these initiatives reflect the significant impact of the World Conference on the work of the Commission and on the United Nations human rights system as a whole.

These are but a few highlights of the last session of the Commission. The work of the Commission continues to expand, with a total of 110 resolutions and decisions adopted at its 58th session compared to 101 at the 57th session. In addition, the record number of dignitaries who addressed the 58th session (78) attests to the priority and importance attached to the work of the Commission by member states.

The Commission also continued in its quest to improve its working methods in the spirit of the Council's guidelines relating to the work of its functional commissions. Notable among these developments were the decisions which will see the Bureau of the Commission elected two months before next year's session in order to allow for their more effective participation in preparations for the session, and a further decision clarifying the length of terms of mandate holders under special procedures.

In another development, the Commission decided by a vote to discontinue the sharing of information between its 1503 procedure and the procedures of the Commission on the Status of Women.

In concluding, I would like to thank the Distinguished Council for its support of the Commission's work in a difficult time, in particular the support of the President and the Bureau. I trust that the Council will be in a position to approve the recommendations of the Commission, and I look forward to continued cooperation between the two bodies in the promotion and protection of human rights.

Thank you

Summary of the third post-sessional meeting of the 58th Bureau of the Commission on Human Rights

29 July 2002, 15.00, Room IX, Palais des Nations

Present:
Chairperson, Rapporteur, Vice-Chair (Germany), Vice-Chair (Syria), South Africa, African, Asian, Eastern, GRULAC and Western Group Coordinators.

A. Meeting with the High Commissioner

30. The Expanded Bureau was addressed by the High Commissioner, who expressed her appreciation for the work of the Chairperson and the Expanded Bureau, both during the 58th session and afterwards in reflecting on the role of the Commission.

31. The High Commissioner shared a number of reflections on CHR58 with the Expanded Bureau

    a. The unique role of the Commission in both **promoting and protecting** human rights. She noted a 'worrying trend' of a rise on regional bloc voting on protection issues, noting that 'regional solidarity is a poor response to evidence of serious human rights violations.' The Expanded Bureau needs to ask why this tendency is increasing. Perhaps a number of developing countries see the human rights agenda as central to their development, but they resent the name and shame unless it is accompanied by support and resources. In this regard, the advent of mechanisms such as NEPAD puts pressure on the Commission to consider ways in which it be proactive in terms of resources in promoting human rights.

    b. The role of **special procedures.** These procedures are created by the Commission, and are crucial to the information flow to the Commission. For the Commission's own sake, they should be provided with a sufficient amount of 'space' in the work of the Commission commensurate with their role. A positive suggestion is the proposal to promote an interactive dialogue with special procedures, perhaps at the cost of the loss of the Special Debate.

    c. **NGOs** are a strength of the Commission, and the body has moved forward largely as a result of the 'healthy tension' between civil society and the members of the Commission.

    d. The **agenda** of the Commission was settled in 1998, but CHR58 saw the introduction of the clustering of items. The agenda reflects the importance of contemporary human rights issues as deduced by the members of the CHR. If the agenda is to be reformed it should be done so through a formal process of consultation rather than through *ad hoc* measures such as clustering.

e. The **Taskforce** on the Commission established in OHCHR will henceforth include representatives of the OHCHR New York office in response to the increased attention paid by ECOSOC to the work of the Commission.

f. The Bureau's proposal for **increased coordination** between the Commission, Sub-Commission treaty bodies and special procedures is welcomed.

g. The High Commissioner intends to raise many of these issues with High Commissioner designate when he visits Geneva in mid-August. She pledged the assistance of her staff for the Expanded Bureau in its work.

32. The Chairperson thanked the High Commissioner for her presence and reflections. He:
    a. underlined the importance of the mechanism of the Expanded Bureau in the organisation of CHR58;
    b. elaborated the concept of a 4-Partner relationship, rejecting fears that it would undermine the independence of some of the actors;
    c. referred to the importance of the promotion and protection roles of the Commission, citing the example of the attention paid to Poland by the Commission in the 1980s;
    d. regretted the fact that the Mini-Report to ECOSOC was not considered separately, and felt there was a need to inject more information about the Commission into ECOSOC;
    e. stressed his hope that the Secretariat would, in the future, be a more creative force in the running of the Commission, particularly in proposing options to the Bureau for enhancing the Commission's effectiveness.

33. The Vice Chair (Germany) also thanked the High Commissioner and noted that while she had during her tenure sought a greater balance in the Commission between civil & political rights and economic social & cultural rights, the challenge she was now outlining was to balance protection with promotion of human rights. The Coordinator of GRULAC stressed the dangers posed to the Commission by regionalism and North-South antagonism. In this regard it is important for the Commission to understand that it is dealing with a very complex reality. It is 'immensely important' that the Commission creates trust among its participants.

34. The High Commissioner responded by offering a number of suggestions for the future:

    a. As the work of the Commission is not that well known (even in its parent body), a booklet providing an in-depth analysis of the Commission's work could be prepared.

    b. In terms of achieving a better balance between promotion and protection, one option might be the involvement of a group of 'friendly' countries in cases where a specific country has human rights challenges. This group (together

with the country itself) could consider ways of tackling the problems in a positive and constructive way.

c. Along with the trust of its participants, the credibility of the Commission itself is very important. States seeking election to the Commission should demonstrate a commitment to human rights. One possibility is for such states to have extended a standing invitation to the special procedures of the Commission before seeking election.

B. Report of the Chairperson's visit to ECOSOC

35. The Chairperson reported on his mission to New York and his participation in the ECOSOC substantive session as well as the meeting between chairs of functional commissions and the bureau of ECOSOC. He also met with USG Riza and HC-designate de Mello. He noted that the recommendations of the Commission were approved by ECOSOC, including the 14 additional meetings for CHR59. An exception was the decision relating to the sharing of information between the 1503 procedure and the Commission on the Status of Women, which was not endorsed. The Chairperson noted lack of knowledge of the Commission's work at the level of ECOSOC and thus the need for the Bureau to increase the Commission's visibility.

C. Appointments to new/vacant posts

36. The secretariat distributed a revised table of nominations for the various vacancies to special procedures and working groups. It was decided to defer the question of appointments until the next meeting of the Expanded Bureau.

D. Next meeting of the Expanded Bureau

37. A meeting of the Expanded Bureau was set for 10 September. If possible, and following consultations within the regional groups, a prior meeting would be scheduled in late August.

38. The Expanded Bureau met with the Sub-Commission for the Promotion and Protection of Human Rights immediately after the 3rd post-sessional meeting.

**Summary of the fourth post-sessional meeting
of the 58th Bureau
of the Commission on Human Rights**

22 August 2002, 10.00, Room IX, Palais des Nations

Present:
Chairperson, Rapporteur, Vice-Chair (Germany), Vice-Chair (Syria), Vice-Chair (South Africa), African, Asian, Eastern, GRULAC and Western Group Coordinators.

Summaries of the Meeting of the 3rd post-sessional meeting of the Expanded Bureau (with HC) and of the meeting of the Expanded bureau with the Sub-Commission

1. Summaries of the two meetings had been previously distributed to members. The Chairperson commented on the usefulness of the meeting with the Sub-Commission which he felt underlined the need for greater cooperation between the Commission, Sub-Commission, special procedures and treaty bodies.

Nominations

2. The Secretary informed the meeting that ECOSOC had approved the establishment of the Working Group on Persons of African Descent.

3. After a discussion of the various vacant or new posts, the Chairperson announced that he would make formal nominations before the next meeting of the Expanded Bureau.

4. The meeting also discussed the situation of the chairpersonships of the Working Groups on the Right to Development, on Structural Adjustment and on Enforced or Involuntary Disappearances. The Chairperson encouraged regional coordinators to hold consultations with the Permanent Representatives involved.

Strengthening of communication between the four core bodies and mechanisms

5. The Chairperson referred to a Non Paper which had been previously circulated and which outlined a proposal for closer cooperation between the Commission, Sub-Commission, special procedures and treaty bodies. He underlined the loose nature of the proposed framework for cooperation and stressed that no new mechanisms would be created, nor would the independence of any of the partners be compromised.

Democracy Seminar

6. The meeting took note of an information note prepared by the Secretariat on a proposed expert seminar to examine the interdependence between democracy and human rights. The seminar implements CHR resolution 2001/41 on 'Continuing dialogue on measures to promote and consolidate democracy' and is scheduled to take place on 25-26 November 2002.

Reform of the Working Methods

7. The Chairperson encouraged regional groups to make proposals in the context of Resolution 2002/91 (Enhancement of the effectiveness of the working methods of the Commission).

Issues stemming out of the recently concluded session of the Sub-Commission

8. The Secretary introduced a short summary of the 54th session of the Sub-Commission. She drew attention to a number of resolutions adopted relating to the role of non-members in the work of the Sub-Commission, and to the proposal to shift the annual session of the body to a date closer to the annual session of the Commission.

Dates for future meetings of the Expanded Bureau

9. The next meeting of the Expanded Bureau will be at 16.00 on Tuesday 10 September 2002. The Secretary proposed dates for possible meetings between the Expanded Bureau and (a) representatives of NGOs and (b) UN Specialised Agencies.

AOB

10. The Coordinator of the African Group drew the Expanded Bureau's attention to the nomination by the African Group of Libya to chair the 59th session of the Commission.